

Exhibit A

UNITED STATES DISTRICT COURT
for the
WESTERN DISTRICT OF PENNSYLVANIA

Reginald T. Gilbert Bey,
Plaintiff

v.

United States of America, et al.,
Defendants

:
:
:
: Case No.
: 05-69(Erie)
:
:
:

DECLARATION OF ROBERTA M. TRUMAN

1. I, Roberta M. Truman, do hereby declare that I am an Attorney in the Northeast Regional Office. Prior to this position I was the Attorney for the Federal Correctional Institution in Fairton, New Jersey. I have worked for the Federal Bureau of Prisons as an Attorney since December 17, 1989.

2. I am familiar with the nationwide computerized data-base known as Sentry. Sentry is designed to track information about inmates such as sentence calculation, institution history and administrative remedies.

3. Sentry shows that Plaintiff Reginald Thaddeus Gilbert-bey, Reg. No. 03854-078, is currently incarcerated for convictions of 21 U.S.C. §§ 846, 841(a)(1) & (b)(1)(A), and 18 U.S.C. § 1952, conspiracy to possess with intent to distribute cocaine, possession with intent to distribute cocaine, intent to facilitate distribute cocaine with violence, by the United States District Court for the Eastern District of Texas. He was sentenced on April 9, 1993, and ordered to serve 360 months incarceration followed by 5 years supervised release. He began service of his sentence immediately. His projected date for release is August 26, 2018 via good conduct time earned.

Attached to this declaration as Exhibit 1 is a true and accurate copy of the Public Information Data Sheet for Reginald Thaddeus Gilbert-bey, Reg. No. 03854-078.

4. Exhibit 2 also shows he was designated to the Federal Correctional Institution in McKean County, Pennsylvania, (FCI McKean) from November 18, 2004 until December 16, 2005 when he was transferred to the United States Penitentiary (U.S.P.) in Allenwood, Pennsylvania. He is still housed at USP Allenwood.

5. The BOP has a procedure for inmates to file their "complaints" for administrative review through the Administrative Remedy Program. 28 C.F.R. Part 542. Since July 1, 1990, all such appeals would in due course be reflected by the nationwide computer program known as Sentry concerning administrative remedy requests. Mr. Gilbert-Bey began his current term of incarceration in 1993. During this entire period of incarceration, he has filed 131 Administrative Remedy requests.

6. Sentry shows Mr. Gilbert-Bey filed many Administrative Remedy requests while housed at FCI McKean, but he did not exhaust any of the issues of the complaint or amended complaint. Administrative Remedy No. 394510-F1, filed on November 4, 2005, with the Warden of FCI McKean sought medical treatment. The Warden granted his request on November 22, 2005. He did not appeal this response. On November 5, 2005, he filed Administrative Remedy No. 394520-F1 with the Warden seeking dental care. This request was denied, and he did not file an appeal. He did not file any other Administrative Remedy Requests concerning his medical or dental care at FCI McKean. On November 4, 2005, he filed Administrative Remedy No. 394670-F1 claiming staff took his legal paperwork. On December 14, 2005, the Warden

responded with an explanation, so it was neither granted or denied. Even so, Plaintiff could have filed an appeal, but he did not. Furthermore, he did not file any other request related to the issues of this complaint or the amended complaint, including a hunger strike.

7. In the amended complaint, Mr. Gilbert-Bey referenced his hunger strike while housed at FCI McKean. When an inmate goes on a hunger strike, it is the BOP's responsibility to monitor the health and welfare of the inmate and follow procedures to preserve life. 28 C.F.R. § 549.60. A review of the Special Housing Unit (SHU) records shows he declared a hunger strike on Wednesday morning, May 18, 2002. He then refused the next 9 meals. 28 C.F.R. § 549.61. On Friday May 20, 2002, he was placed in a cell alone and his intake and output of fluids, as well as his weight, were monitored and recorded. 28 C.F.R. § 549.62(b). Staff recorded he was offered an adequate supply of drinking water and 3 meals per day. 28 C.F.R. § 549.64. The SHU records show he was seen by a Physician Assistant (PA), by the psychologist, and by a physician on a routine basis during the hunger strike. When a physician determines the inmate's life or health is threatened, involuntary medical treatment is then considered. 28 C.F.R. § 549.65(a). Prior to involuntary medical treatment being initiated, staff must make reasonable efforts to convince the inmate to voluntarily accept treatment, including an explanation of the involuntary treatment procedure through a nasogastric tube, as referenced in the amended complaint. 28 C.F.R. § 549.65(b). It is routine for staff to explain the involuntary treatment of an inmate on a hunger strike long before the treatment is considered necessary. If Plaintiff did not want this feeding, he could voluntarily drink the medical treatment and avoid the nasogastric tube. Plaintiff remained on the hunger

strike until June 9, 2005 before he voluntarily accepted treatment of the hunger strike and avoided the nasogastric tube. As stated earlier, he did not file an Administrative Remedy concerning his hunger strike.

Pursuant to the provisions of 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct. Executed on June 26, 2006,

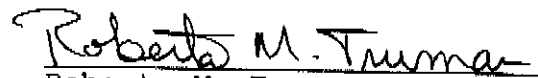

Roberta M. Truman
Assistant Regional Counsel

Exhibit 1

NERGX *
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PUBLIC INFORMATION
INMATE DATA
AS OF 06-26-2006

* 06-26-2006
* 14:28:14

REGNO...: 03854-078 NAME: GILBERT-BEY, REGINALD THADDEUS

RESP OF: ALP / DESIGNATED, AT ASSIGNED FACIL
PHONE...: 570-547-0963 FAX: 570-547-9201

FBI NUMBER.: 713832N3

RACE/SEX...: BLACK / MALE

PROJ REL MT: GOOD CONDUCT TIME RELEASE

DOB/AGE...: 09-20-1957 / 48

PROJ REL DT: 08-26-2018

PAR ELIG DT: N/A

PAR HEAR DT: N/A

----- ADMIT/RELEASE HISTORY -----			
FCL	ASSIGNMENT	DESCRIPTION	START DATE/TIME STOP DATE/TIME
ALP	A-DES	DESIGNATED, AT ASSIGNED FACIL	12-20-2005 0710 CURRENT
B01	RELEASE	RELEASED FROM IN-TRANSIT FACIL	12-20-2005 0710 12-20-2005 0710
B01	A-ADMIT	ADMITTED TO AN IN-TRANSIT FACIL	12-20-2005 0545 12-20-2005 0710
LEW	HLD REMOVE	HOLDOVER REMOVED	12-20-2005 0545 12-20-2005 0545
LEW	A-BOP HLD	HOLDOVER FOR INST TO INST TRF	12-16-2005 1530 12-20-2005 0545
B01	RELEASE	RELEASED FROM IN-TRANSIT FACIL	12-16-2005 1530 12-16-2005 1530
B01	A-ADMIT	ADMITTED TO AN IN-TRANSIT FACIL	12-16-2005 1046 12-16-2005 1530
MCK	TRANSFER	TRANSFER	12-16-2005 1046 12-16-2005 1046
MCK	A-DES	DESIGNATED, AT ASSIGNED FACIL	10-31-2005 1129 12-16-2005 1046
MCK	LOCAL HOSP	ESC TRIP TO LOCAL HOSP W/RETN	10-31-2005 0849 10-31-2005 1129
MCK	A-DES	DESIGNATED, AT ASSIGNED FACIL	11-18-2004 0900 10-31-2005 0849
S42	RELEASE	RELEASED FROM IN-TRANSIT FACIL	11-18-2004 0900 11-18-2004 0900
S42	A-ADMIT	ADMITTED TO AN IN-TRANSIT FACIL	11-18-2004 0526 11-18-2004 0900
LEW	HLD REMOVE	HOLDOVER REMOVED	11-18-2004 0526 11-18-2004 0526
LEW	A-BOP HLD	HOLDOVER FOR INST TO INST TRF	11-01-2004 1725 11-18-2004 0526
A01	RELEASE	RELEASED FROM IN-TRANSIT FACIL	11-01-2004 1725 11-01-2004 1725
A01	A-ADMIT	ADMITTED TO AN IN-TRANSIT FACIL	11-01-2004 0915 11-01-2004 1725
OKL	HLD REMOVE	HOLDOVER REMOVED	11-01-2004 0815 11-01-2004 0815
OKL	A-BOP HLD	HOLDOVER FOR INST TO INST TRF	09-24-2004 1800 11-01-2004 0815
S20	RELEASE	RELEASED FROM IN-TRANSIT FACIL	09-24-2004 1900 09-24-2004 1900
S20	A-ADMIT	ADMITTED TO AN IN-TRANSIT FACIL	09-24-2004 0701 09-24-2004 1900
OAK	TRANSFER	TRANSFER	09-24-2004 0601 09-24-2004 0601
OAK	A-REL CHNG	ADMISSION FOR RELEASE CHANGE	09-24-2004 0600 09-24-2004 0601
4-C	RELEASE	RELEASED FROM IN-TRANSIT FACIL	09-24-2004 0700 09-24-2004 0700
4-C	A-ADMIT	ADMITTED TO AN IN-TRANSIT FACIL	09-24-2004 0521 09-24-2004 0700
OAK	TRANSFER	TRANSFER	09-24-2004 0421 09-24-2004 0421
OAK	A-DES	DESIGNATED, AT ASSIGNED FACIL	06-29-2004 1226 09-24-2004 0421
OAK	LOCAL HOSP	ESC TRIP TO LOCAL HOSP W/RETN	06-29-2004 0810 06-29-2004 1226
OAK	A-DES	DESIGNATED, AT ASSIGNED FACIL	11-25-2003 1537 06-29-2004 0810
OAK	LOCAL HOSP	ESC TRIP TO LOCAL HOSP W/RETN	11-25-2003 1127 11-25-2003 1537
OAK	A-DES	DESIGNATED, AT ASSIGNED FACIL	07-26-2002 1207 11-25-2003 1127
OAK	LOCAL HOSP	ESC TRIP TO LOCAL HOSP W/RETN	07-26-2002 0817 07-26-2002 1207
OAK	A-DES	DESIGNATED, AT ASSIGNED FACIL	06-14-2002 1315 07-26-2002 0817
S23	RELEASE	RELEASED FROM IN-TRANSIT FACIL	06-14-2002 1415 06-14-2002 1415
S23	A-ADMIT	ADMITTED TO AN IN-TRANSIT FACIL	06-14-2002 0510 06-14-2002 1415
OKL	HLD REMOVE	HOLDOVER REMOVED	06-14-2002 0410 06-14-2002 0410

G0002 MORE PAGES TO FOLLOW . . .

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PUBLIC INFORMATION
INMATE DATA
AS OF 06-26-2006

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06-26-2006
14:28:14

REGNO.: 03854-078 NAME: GILBERT-BEY, REGINALD THADDEUS

RESP OF: ALP / DESIGNATED, AT ASSIGNED FACIL
PHONE.: 570-547-0963 FAX: 570-547-9201

OKL	A-BOP HLD	HOLDOVER FOR INST TO INST TRF	06-11-2002	1500	06-14-2002	0410
S19	RELEASE	RELEASED FROM IN-TRANSIT FACIL	06-11-2002	1600	06-11-2002	1600
S19	A-ADMIT	ADMITTED TO AN IN-TRANSIT FACIL	06-11-2002	0645	06-11-2002	1600
TRV	TRANSFER	TRANSFER	06-11-2002	0545	06-11-2002	0545
TRV	A-DES	DESIGNATED, AT ASSIGNED FACIL	07-03-2001	1330	06-11-2002	0545
S19	RELEASE	RELEASED FROM IN-TRANSIT FACIL	07-03-2001	1430	07-03-2001	1430
S19	A-ADMIT	ADMITTED TO AN IN-TRANSIT FACIL	07-03-2001	0430	07-03-2001	1430
OKL	HLD REMOVE	HOLDOVER REMOVED	07-03-2001	0330	07-03-2001	0330
OKL	A-BOP HLD	HOLDOVER FOR INST TO INST TRF	06-12-2001	1545	07-03-2001	0330
S19	RELEASE	RELEASED FROM IN-TRANSIT FACIL	06-12-2001	1645	06-12-2001	1645
S19	A-ADMIT	ADMITTED TO AN IN-TRANSIT FACIL	06-12-2001	0658	06-12-2001	1645
BMP	TRANSFER	TRANSFER	06-12-2001	0558	06-12-2001	0558
BMP	A-DES	DESIGNATED, AT ASSIGNED FACIL	02-05-2001	2143	06-12-2001	0558
BMP	LOCAL HOSP	ESC TRIP TO LOCAL HOSP W/RETN	02-02-2001	0440	02-05-2001	2143
BMP	A-DES	DESIGNATED, AT ASSIGNED FACIL	10-30-2000	1716	02-02-2001	0440
BMP	LOCAL HOSP	ESC TRIP TO LOCAL HOSP W/RETN	10-30-2000	0702	10-30-2000	1716
BMP	A-DES	DESIGNATED, AT ASSIGNED FACIL	07-21-2000	1659	10-30-2000	0702
BMP	LOCAL HOSP	ESC TRIP TO LOCAL HOSP W/RETN	07-21-2000	0814	07-21-2000	1659
BMP	A-DES	DESIGNATED, AT ASSIGNED FACIL	07-07-2000	2202	07-21-2000	0814
BMP	LOCAL HOSP	ESC TRIP TO LOCAL HOSP W/RETN	07-03-2000	0408	07-07-2000	2202
BMP	A-DES	DESIGNATED, AT ASSIGNED FACIL	05-09-2000	1714	07-03-2000	0408
BMP	LOCAL HOSP	ESC TRIP TO LOCAL HOSP W/RETN	05-09-2000	0605	05-09-2000	1714
BMP	A-DES	DESIGNATED, AT ASSIGNED FACIL	04-07-2000	1719	05-09-2000	0605
BMP	LOCAL HOSP	ESC TRIP TO LOCAL HOSP W/RETN	04-07-2000	0445	04-07-2000	1719
BMP	A-DES	DESIGNATED, AT ASSIGNED FACIL	04-01-2000	1351	04-07-2000	0445
BMP	LOCAL HOSP	ESC TRIP TO LOCAL HOSP W/RETN	03-30-2000	0250	04-01-2000	1351
BMP	A-DES	DESIGNATED, AT ASSIGNED FACIL	03-10-2000	1713	03-30-2000	0250
BMP	LOCAL HOSP	ESC TRIP TO LOCAL HOSP W/RETN	03-10-2000	0704	03-10-2000	1713
BMP	A-DES	DESIGNATED, AT ASSIGNED FACIL	02-14-2000	1753	03-10-2000	0704
BMP	LOCAL HOSP	ESC TRIP TO LOCAL HOSP W/RETN	02-14-2000	0404	02-14-2000	1753
BMP	A-DES	DESIGNATED, AT ASSIGNED FACIL	09-22-1999	1224	02-14-2000	0404
BMP	LOCAL HOSP	ESC TRIP TO LOCAL HOSP W/RETN	09-22-1999	0854	09-22-1999	1224
BMP	A-DES	DESIGNATED, AT ASSIGNED FACIL	07-06-1999	1839	09-22-1999	0854
BMP	LOCAL HOSP	ESC TRIP TO LOCAL HOSP W/RETN	07-06-1999	0448	07-06-1999	1839
BMP	A-DES	DESIGNATED, AT ASSIGNED FACIL	06-07-1999	1200	07-06-1999	0448
BMP	LOCAL HOSP	ESC TRIP TO LOCAL HOSP W/RETN	06-07-1999	0728	06-07-1999	1200
BMP	A-DES	DESIGNATED, AT ASSIGNED FACIL	08-18-1998	1452	06-07-1999	0728
B18	RELEASE	RELEASED FROM IN-TRANSIT FACIL	08-18-1998	1552	08-18-1998	1552

G0002

MORE PAGES TO FOLLOW . . .

NERGX * PUBLIC INFORMATION * 06-26-2006
PAGE 003 * INMATE DATA * 14:28:14
 AS OF 06-26-2006

REGNO.: 03854-078 NAME: GILBERT-BEY, REGINALD THADDEUS

 RESP OF: ALP / DESIGNATED, AT ASSIGNED FACIL
 PHONE.: 570-547-0963 FAX: 570-547-9201
PRE-RELEASE PREPARATION DATE: 02-26-2018

THE FOLLOWING SENTENCE DATA IS FOR THE INMATE'S CURRENT COMMITMENT.
THE INMATE IS PROJECTED FOR RELEASE: 08-26-2018 VIA GCT REL

-----CURRENT JUDGMENT/WARRANT NO: 010 -----

COURT OF JURISDICTION.....: TEXAS, EASTERN DISTRICT
DOCKET NUMBER.....: 6:92CR24(2)
JUDGE.....: JUSTICE
DATE SENTENCED/PROBATION IMPOSED: 04-09-1993
DATE COMMITTED.....: 04-27-1993
HOW COMMITTED.....: US DISTRICT COURT COMMITMENT
PROBATION IMPOSED.....: NO

	FELONY ASSESS	MISDMNR ASSESS	FINES	COSTS
NON-COMMITTED.:	\$150.00	\$00.00	\$00.00	\$00.00

RESTITUTION...: PROPERTY: NO SERVICES: NO AMOUNT: \$00.00

-----CURRENT OBLIGATION NO: 010 -----

OFFENSE CODE.....: 391
OFF/CHG: CONSP TO PWITD COCAINE, PWITD COCAINE, I/T TO FACIL DIST OF COCAI
 COCAINE.VIOL.T21:846,841(A)(1)&(B)(1)(A),T18:1952.

SENTENCE PROCEDURE.....: 3559 SRA SENTENCE
SENTENCE IMPOSED/TIME TO SERVE.: 360 MONTHS
TERM OF SUPERVISION.....: 5 YEARS
DATE OF OFFENSE.....: 04-24-1992

G0002 MORE PAGES TO FOLLOW . . .

NERGX * PUBLIC INFORMATION * 06-26-2006
PAGE 004 OF 004 * INMATE DATA * 14:28:14
AS OF 06-26-2006

REGNO...: 03854-078 NAME: GILBERT-BEY, REGINALD THADDEUS

RESP OF: ALP / DESIGNATED, AT ASSIGNED FACIL
PHONE...: 570-547-0963 FAX: 570-547-9201

-----CURRENT COMPUTATION NO: 010 -----

COMPUTATION 010 WAS LAST UPDATED ON 11-04-2005 AT DSC AUTOMATICALLY
COMPUTATION CERTIFIED ON 11-17-2005 BY DESIG/SENTENCE COMPUTATION CTR

THE FOLLOWING JUDGMENTS, WARRANTS AND OBLIGATIONS ARE INCLUDED IN
CURRENT COMPUTATION 010: 010 010

DATE COMPUTATION BEGAN.....: 04-09-1993
TOTAL TERM IN EFFECT.....: 360 MONTHS
TOTAL TERM IN EFFECT CONVERTED...: 30 YEARS
EARLIEST DATE OF OFFENSE.....: 04-24-1992

JAIL CREDIT.....: FROM DATE THRU DATE
04-28-1992 04-08-1993

TOTAL PRIOR CREDIT TIME.....: 346
TOTAL INOPERATIVE TIME.....: 0
TOTAL GCT EARNED AND PROJECTED...: 1340
TOTAL GCT EARNED.....: 675
STATUTORY RELEASE DATE PROJECTED: 08-26-2018
SIX MONTH /10% DATE.....: N/A
EXPIRATION FULL TERM DATE.....: 04-27-2022

TYPE OF HEARING.....: NOT ELIGIBLE

PROJECTED SATISFACTION DATE.....: 08-26-2018
PROJECTED SATISFACTION METHOD....: GCT REL

S0055 NO PRIOR SENTENCE DATA EXISTS FOR THIS INMATE